

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**ENCRYPTAWAVE TECHNOLOGIES
LLC,**

Plaintiff,

v.

VANTIVA SA,

Defendant.

C.A. No. 4:24-CV-846-SDJ

JURY TRIAL DEMANDED

PATENT CASE

**VERIFIED PETITION REGARDING STATUS OF
SERVICE OF SUMMONS AND COMPLAINT**

Plaintiff Encryptawave Technologies LLC (“Encryptawave”) respectfully submits this verified petition in response to the Court’s Notice of Impending Dismissal (Dkt. No. 5) requiring Encryptawave to file a Notice of Verified Petition no later than December 18, 2024.

Defendant Vantiva SA (“Vantiva”) is a French company with its headquarters located in Paris, France. (Dkt. No. 1 at ¶2). France is a signatory to the Hague Convention for service of process. (<https://travel.state.gov/content/travel/en/legal/Judicial-Assistance-Country-Information/France.html>).

The Complaint in this case was filed on September 23, 2024. (Dkt. No. 1). Encryptawave initially sought waiver of service by mailing on or about October 14, 2024, a Notice of a Lawsuit and Request to Waiver Service of a Summons to Vantiva including the required copies of the service documents. The package containing the Notice was delivered to Vantiva on October 18, 2024. As a defendant outside any judicial district in the United States, Vantiva had 60 days (to December 13, 2024) to return the signed waiver. No waiver of service was received from Vantiva by December 13, 2024.

Encryptawave is starting the process for service of the summons in accordance with the Hague Convention protocols. Service in France pursuant to the Hague Convention protocols is anticipated to take at least six months. The 90-day time limit for service does not apply to service on a defendant corporation in a foreign country for service under Rule 4(f), Fed.R.Civ.P. Rule 4(m), Fed.R.Civ.P. (*referring to* Rule 4(h)(2), Fed.R.Civ.P.).

Encryptawave has been diligent in seeking to serve Vantiva and respectfully requests that the Court not dismiss the case to allow service to occur on the foreign entity.

December 16, 2024

DIRECTION IP LAW

/s/ David R. Bennett

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Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2024, I electronically filed the above documents with the Clerk of Court using CM/ECF which will send electronic notification of such filings to all registered counsel.

/s/ David R. Bennett
David R. Bennett